

Application No. 10/813,991  
Reply to Office Action dated May 15, 2007

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 1-12. These sheets, which include Figs. 1-12, replace the original sheets including Figs. 1-12.

Attachment: Thirteen (13) Replacement Sheets

REMARKS

This amendment is being filed in response to the Office Action having a mailing date of May 15, 2007. Various claims are amended as shown. No new matter has been added. With this amendment, claims 1-28 are pending in the application.

I. Preliminary comments

The present Office Action requested a revised Figure 1. Accordingly, a revised and formalized Figure 1 is being submitted herewith. Furthermore, replacement sheets of drawings that formalize Figures 2-12 are also being submitted herewith. It is kindly requested that the enclosed formalized Figures 1-12 replace the drawings currently on file.

The present Office Action also objected to claims 4 and 17-20 due to informalities. The Examiner is thanked for pointing out said informalities and for suggesting claim amendments to address said informalities. Claims 4 and 17-20 are thus amended as shown in a manner suggested by the Examiner.

Various other amendments are made to the claims as shown, so as to provide consistent antecedent basis, to remove unnecessary limitations, to make typographical/grammatical corrections, and/or to otherwise place such claims in better form.

II. Allowable subject matter

The present Office Action indicated that claims 4-6, 10-15, 17-20, and 22-28 would be allowable if rewritten in independent form. The Examiner is thanked for this indication of allowable subject matter.

At this time, claims 4-6, 10-15, 17-20, and 22-28 are not yet being rewritten into independent form herein. However, the applicants would be very appreciative of a later opportunity to rewrite said claims 4-6, 10-15, 17-20, and 22-28 into independent form, if the rejections of their base claims are still maintained after the Examiner has had an opportunity to consider the applicants' arguments as presented below.

III. Discussion of the claims and cited references

The present Office Action rejected claims 1-3, 7-9, 16, and 21 under 35 U.S.C. § 102(e) as being anticipated by Isaksson (U.S. Patent No. 6,865,232). For the reasons set forth below, these rejections are respectfully traversed.

The method of independent claim 1 recites, *inter alia*, “in response to said detection, disabling a number of carriers in order to establish the asymmetric operating mode.” It is respectfully submitted that the passage of Isaksson cited by the present Office Action does not meet this limitation.

Specifically, page 3 (section 4) of the present Office Action cited column 10, lines 4-22 of Isaksson as meeting this limitation of claim 1. This passage of Isaksson is reproduced in full below:

“The system, to which the present invention relates, is for convenience referred to as MUSIC--MUlti-carrier System for the Installed Copper network. MUSIC is intended to provide high-speed communication on telephone copper wire pairs for supporting broadband multimedia services.

The MUSIC system, described in this, and the cross referenced patent specifications ... offers a cost-effective robust customer implementation in silicon, providing 26:2 or 13:2 Mbps asymmetric transmission over copper cables (<1300 metres) for use on existing local telephony networks.

The MUSIC system can be accessed using the network concept known as Fibre To The Node (FITN), using optical fibres, each serving many users, up to a cabinet near the users' homes. Thus, the cable length specification for MUSIC can be successfully limited to 1300 metres.

The MUSIC system is primarily intended for the transmission of a high (26 Mbps) bit-rate signal downstream to the subscriber and a low (2 Mbps) bit-rate signal upstream, from the subscriber.”

As clearly evident from a thorough review of the text of the above-quoted passage from Isaksson, the passage is completely silent as to “disabling a number of carriers” as recited in claim 1, and more specifically, disabling a number of carriers “in response to said detection.” Accordingly, claim 1 is allowable over Isaksson.

Claim 1 further recites, *inter alia*, “detecting a criterion … including obtaining an estimation of a length of a line.” For example, a non-limiting and non-exhaustive embodiment disclosed by the present applicants is described on page 22, lines 10-17, wherein the line length (size) is measured by calculating the time for the signal to go from one modem to the other modem and back.

In contrast, the passage of Isaksson cited by the present Office Action (in particular, column 10, lines 12-13) merely talks about transmission “over copper cables (<1300 meters).” In other words, the cited passage of Isaksson does not disclose, teach, or suggest the method of claim 1 that performs the affirmative act of detecting that includes obtaining an estimation of a length of a line. Instead, the cited passage of Isaksson only talks about transmission over cables less than 1300 meters, and is completely silent as to any affirmative act of detecting/estimating the line length. For example, Isaksson appears to assume that the cable is copper cable of less than 1300 meters, and does not perform any estimation of whether the cable is 1200 meters, 500 meters, 896 meters, or any other length less than (or greater than) 1300 meters.

Accordingly, claim 1 is further allowable over Isaksson.

Combined with the other limitations of claim 1, the cited passage of Isaksson clearly does not disclose, teach, or suggest disabling a number of carriers “in response to” detection that includes obtaining an estimation of line length. That is, the cited passage of Isaksson is completely silent as to disabling a number of carriers in response to any obtained estimation of line length.

Accordingly, claim 1 is yet further allowable over Isaksson.

Independent claims 7, 16, and 21 also recite, *inter alia* and using varying language, the features of an estimation of a length of a line and disable[ing] a number of carriers.

For the reasons as set forth above that the cited passage of Isaksson does not disclose, teach, or suggest these features, claims 7, 16, and 21 are also allowable.

IV. Conclusion

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

If the applicants' attorney (Dennis M. de Guzman) has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact Mr. de Guzman at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are believed to be allowable.  
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

/Dennis M. de Guzman/

---

Dennis M. de Guzman  
Registration No. 41,702

DMD:sc

Enclosure:  
13 Sheets of Replacement Drawings (Figures. 1-12)

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104  
Phone: (206) 622-4900  
Fax: (206) 682-6031

1007210.doc